

AMENDED IN SENATE MAY 12, 2003
AMENDED IN SENATE APRIL 21, 2003
AMENDED IN SENATE APRIL 3, 2003
AMENDED IN SENATE MARCH 26, 2003
AMENDED IN SENATE MARCH 12, 2003

SENATE BILL

No. 88

Introduced by Senator Chesbro

January 27, 2003

An act to add Section 23399.6 to the Business and Professions Code, relating to alcoholic beverages.

LEGISLATIVE COUNSEL'S DIGEST

SB 88, as amended, Chesbro. Alcoholic beverages: permits: winegrowers.

Existing law permits the Department of Alcoholic Beverage Control to issue special temporary licenses and permits to various entities for limited purposes.

This bill would permit the department to issue a wine sales event permit to allow a licensee under a winegrower's license to sell bottled wine that is produced by the winegrower at an approved event held by a tax-exempt organization, as specified, for not more than 5 consecutive days.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 23399.6 is added to the Business and Professions Code, to read:

23399.6. (a) Any licensee under a winegrower's license may apply to the department for a wine sales event permit. The wine sales event permit shall authorize the sale of bottled wine produced by the winegrower at festivals, county fairs, civic or cultural celebrations or similar events approved by the department. The sale of the wine shall not be the primary purpose of the event, *and the sale shall be for consumption off the premises where sold.* The permit shall be valid for a maximum of five consecutive days during the event period. The event shall be sponsored by an organization that is exempt from taxation as one of the following:

(1) An organization described in Section 23701a of the Revenue and Taxation Code.

(2) A corporation or community chest or trust, organized and operated exclusively for religious, charitable, or educational purposes only, pursuant to Section 23701d of the Revenue and Taxation Code.

(3) An organization described in Section 23701e of the Revenue and Taxation Code.

(4) A veterans' organization described in Section 23701w of the Revenue and Taxation Code.

~~(b) (1) The department shall notify the city, county, or city and county where the special event, for which the permit is issued, is to be held within five calendar days from the receipt of the application for the permit.~~

~~(2) The local agency receiving the notification from the department may object to the issuance of the permit. If the local agency objects to the issuance of the permit, it shall transmit that objection to the department within 15 calendar days of receipt of the notice from the department.~~

~~(3) The department shall make the determination with regard to the issuance of the permit within five calendar days of receipt of any objection from the local agency or within 30 calendar days from receipt of the application for the permit, whichever comes first.~~

~~(c) The fee for the permit shall be fifty dollars (\$50).~~

1 ***(b) Consent for sales at each event shall be first obtained by an***
2 ***annual authorization issued by the department. The applicant for***
3 ***the wine sales permit is required to notify the city, county, or city***
4 ***and county where the event is being held at least five days prior to***
5 ***the event, and shall obtain approval from the local law***
6 ***enforcement agency prior to the start of the event. The local agency***
7 ***reviewing the permit shall render its decision within five days. At***
8 ***all events, a copy of the wine sales permit and the local agency***
9 ***approval shall be maintained. The licensee may exercise only those***
10 ***privileges authorized by the licensee's license and shall comply***
11 ***with all provisions of the act pertaining to that license, and any***
12 ***violation of those provisions may be grounds for suspension or***
13 ***revocation of the licensee's license or permit, or both, as though***
14 ***the violation occurred on the licensed premises.***

15 ***(c) The fee for the authorization to utilize a wine sales permit***
16 ***shall be fifty dollars (\$50) per year, and the authorization may be***
17 ***renewable annually at the time of the licensee's license. The wine***
18 ***sales permit authorization shall be transferable as part of the***
19 ***license.***

20 ***(d) All money collected as fees pursuant to this section shall be***
21 ***deposited in the Alcohol Beverage Control Fund, as described in***
22 ***Section 25761, for allocation, upon appropriation by the***
23 ***Legislature, as provided in subdivision (d) of that section.***

24 ***(e) The department may adopt any regulations as it determines***
25 ***to be necessary for the administration of this section.***

